

65373 U.S. PTO



04/11/97

110,00-148
PATENT
Attorney Docket No. 04995.0005-02000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Andrew Lees

Serial No.: 08/456,694

Filed: June 1, 1995

Group Art Unit: 1818

Examiner: P. Achutamurthy

For: PRODUCING IMMUNOGENIC CONSTRUCTS USING SOLUBLE
CARBOHYDRATES ACTIVATED VIA ORGANIC CYANYLATING REAGENTS

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TERMINAL DISCLAIMER

APR 15 1997

Assistant Commissioner for Patents
Washington, D.C. 20231

GROUP 1800

Sir:

Petitioner ("Assignee"), Henry M. Jackson Foundation for the Advancement of Military Medicine, whose post office address is 1401 Rockville Pike, Suite 600, Rockville, Maryland, 20852, represents that it is the only Assignee of the entire right, title, and interest in and to both the above-identified patent application, U.S. Patent Application No. 08/456,694, filed June 1, 1995, for PRODUCING IMMUNOGENIC CONSTRUCTS USING SOLUBLE CARBOHYDRATES ACTIVATED VIA ORGANIC CYANYLATING REAGENTS, in the name of Andrew Lees, as indicated by the Assignment filed for recordation in the United States Patent and Trademark Office on April 11, 1997 (copy attached), and is the only Assignee of U.S. Patent Application No. 08/408,717, filed March 22, 1995, for PRODUCING IMMUNOGENIC CONSTRUCTS USING SOLUBLE CARBOHYDRATES ACTIVATED VIA ORGANIC

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CYANYLATING REAGENTS, in the name of Andrew Lees, as indicated by the Assignment filed for recordation in the United States Patent and Trademark Office on April 11, 1997. It is noted that U.S. Patent Application No. 08/456,694, filed June 1, 1995, is a continuation of U.S. Patent Application No. 08/408,717, filed March 22, 1995, and therefore, a single Assignment, filed in U.S. Patent Appl. No. 08/408,717, transfers the inventor's right, title, and interest in and to both applications to the Petitioner.

To obviate a double patenting rejection, Henry M. Jackson Foundation for the Advancement of Military Medicine, through its undersigned attorney of record, hereby disclaims, under the provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on U.S. Patent Application No. 08/456,694 which would extend beyond the expiration date of any patent granted on U.S. Patent Application No. 08/408,717, and hereby agrees that any patent so granted on U.S. Patent Application No. 08/456,694 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent granted on U.S. Patent Application No. 08/408,717, this agreement to run with any patent granted on U.S. Patent Application No. 08/456,694, and to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on U.S. Patent Application No. 08/456,694 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent granted on U.S. Patent Application No. 08/408,717 in the event that any such granted patent on

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U.S. Patent Application No. 08/408,717 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$110.00 is filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 that is not accounted for, such an extension is requested, and the fee also should be charged to Deposit Account 06-0916. Any overpayment may be credited to Deposit Account No. 06-0916.

The undersigned attorney of record is authorized to act on behalf of Assignee, Henry M. Jackson Foundation for the Advancement of Military Medicine.

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

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Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
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By: Jean B. Fordis
Jean B. Fordis
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Date: April 11, 1997

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